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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

OFFICIAL


Applicant: S.C.M. Lin  
Serial No.: 10/092,685  
For: Electrical Contact Arrangement  
for Hearing Instruments  
Filed: March 7, 2002  
Group: 2643  
Examiner: Phylesha L. Dabney  
Att'y Dkt.: 2002 P 3667 US

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Joel Miller  
Attorney Name

29,955  
Reg. No.

  
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March 2, 2004  
Date of Signature

#13  
3/4/04  
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Brief on Appeal

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Via Facsimile Only

Sir:

This brief is in support of the applicant's March 2, 2004 notice of appeal of the final rejection of the claims.

Real Party in Interest

Siemens Hearing Instruments, Inc., Piscataway, NJ.

Related Appeals and Interferences

None.

Status of Claims

Claims 1-18 are pending in this application. Claims 1-13, 15, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,915,031 (Hanright). In the office action mailed January 13, 2004, claims 14, 16, and 18 were noted as allowable if rewritten in independent form.

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The rejection of claims 1-13, 15, and 17 is appealed.

### Status of Amendments

No amendments were submitted after the final rejection mailed January 13, 2004.

### Summary of the Invention

By conforming the contacts of an electrical contact assembly for a hearing instrument faceplate to the contour of the battery door, and providing each contact of the assembly with an interconnected terminal, the wiring and the space requirements for the contact assembly are reduced. A further structural aspect of the claimed invention is that the programming contacts are affixed to the faceplate.

### Issues

The claims are not anticipated nor rendered obvious because the cited references fail to disclose each of the claimed elements.

### Grouping of Claims

The applicant respectfully suggests that claim 1 may be relied upon to represent all three groups (claims 1-4 and 13; claims 5-8 and 15; and claims 9-12 and 17).

### Argument

Claims 1, 5, and 9, and the claims dependent thereon, are neither anticipated or rendered obvious as they contain elements not disclosed, taught, or suggested by the cited reference, U.S. Patent No. 5,915,031 (Hanright). There is no disclosure, teaching, or suggestion of

"an electrical programming contact assembly partially affixed to the faceplate"  
(claim 1); or

"an electrical programming contact assembly ... partially affixed to the faceplate"  
(claim 5); or

"an electrical programming contact ... partially affixed to the faceplate" (claim 9).

Rather than teaching a programming contact or a programming contact assembly "affixed to the faceplate," Hanright shows programming electrodes 44 located on the distal end 42 of a multi-electrode strip 32 that sits on top of the faceplate. Column 4, line 20. Thus, Hanright does not disclose, teach, or suggest electrodes or electrical programming contacts "affixed to the faceplate."

Further, dependent claims 3, 7, and 11 (and claims 4, 8, and 12, and 13, 15, and 17, dependent thereon, respectively) recite "an interconnection portion ... at least partially embedded in the faceplate." Nowhere in Hanright is there a disclosure, teaching, or suggestion of such an embedded structure.

To sustain a rejection based on anticipation under 35 U.S.C. § 102, "the reference must teach every element of the claim." M.P.E.P. § 2131 (8th ed., rev. 1, February 2003), page 2100-70. The M.P.E.P. goes on to state "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).


Because Hanright does not disclose, teach, or suggest an electrical programming contact assembly, or an electrical contact, partially affixed to the faceplate, it does not anticipate the independent claims (1, 5, and 9). Similarly, Hanright does not anticipate the partially embedded interconnection section of claims 3, 4, 7, 8, 11, 12, 13, 15, and 17. Nor would Hanright render the claimed combinations obvious and there is no teaching or suggestion to modify Hanright to achieve the claimed structure. 35 U.S.C. § 103; M.P.E.P. § 2143.03 (8th ed., rev. 1, February 2003), p. 2100-128 ("[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art"), citing In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) [emphasis in original]. As the independent claims 1, 5, and 9 are allowable, claims 2, 6, and 10 dependent thereon are likewise allowable.

### Conclusion

Since the references do not anticipate nor render the claims obvious, the claims are allowable over the cited art and therefore the applicant respectfully requests that the Board reverse the examiner and direct that the application be passed to allowance.

Dated: March 2, 2004

Respectfully submitted,

  
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Appendix

1. A modular assembly for a hearing instrument, comprising:  
a faceplate;  
a battery door in the faceplate; and  
an electrical programming contact assembly partially affixed to the faceplate and generally adjacent and conforming to the battery door.
2. An assembly as set forth in claim 1, where  
the faceplate comprises a generally rectangular opening; and  
the battery door resides within the generally rectangular opening.
3. An assembly as set forth in claim 1, where the electrical programming contact assembly comprises at least one contact, each contact comprising a contact portion and a terminal portion generally adjacent and conforming to the battery door, and an interconnection portion, interconnecting the contact and terminal portions, at least partially embedded in the faceplate.
4. An assembly as set forth in claim 3, where  
the faceplate comprises a generally rectangular opening; and  
the battery door resides within the generally rectangular opening.
5. An electrical programming contact assembly for a faceplate of a hearing instrument, where the faceplate comprises a battery door and the assembly is partially affixed to the faceplate and generally adjacent and conforming to the battery door.

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6. An assembly as set forth in claim 5, where  
the faceplate comprises a generally rectangular opening;  
the battery door resides within the generally rectangular opening.

7. An assembly as set forth in claim 5, where the electrical programming contact  
assembly comprises at least one contact, each contact comprising a contact portion and a  
terminal portion generally adjacent and conforming to the battery door, and an interconnection  
portion, interconnecting the contact and terminal portions, at least partially embedded in  
the faceplate.

8. An assembly as set forth in claim 7, where  
the faceplate comprises a generally rectangular opening;  
the battery door resides within the generally rectangular opening.

9. An electrical programming contact for a faceplate of a hearing instrument, where  
the faceplate comprises a battery door and the contact is partially affixed to the faceplate and  
generally adjacent and conforming to the battery door.

10. An electrical programming contact as set forth in claim 9, where  
the faceplate comprises a generally rectangular opening;  
the battery door resides within the generally rectangular opening.

11. An electrical programming contact as set forth in claim 9, where the electrical programming contact comprises a contact portion and a terminal portion generally adjacent and conforming to the battery door, and an interconnection portion, interconnecting the contact and terminal portions, at least partially embedded in the faceplate.

12. An electrical programming contact as set forth in claim 11, where the faceplate comprises a generally rectangular opening; the battery door resides within the generally rectangular opening.

13. An assembly as set forth in claim 3, further comprising battery contacts and where the terminal portion of at least one of the contacts comprises a section extending to one of the battery contacts.

15. An assembly as set forth in claim 7, where the hearing instrument further comprises battery contacts and where the terminal portion of at least one of the contacts comprises a section extending to one of the battery contacts.

17. An electrical contact as set forth in claim 11, where the hearing instrument further comprises battery contacts and where the terminal portion of at least one of the contacts comprises a section extending to one of the battery contacts.